

**REMARKS**

In the Office Action,<sup>1</sup> the Examiner rejected claims 29-32, 34-40, and 42-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,909 to Warren et al. ("*Warren*") in view of U.S. Patent No. 5,083,224 to Hoogendoorn et al. ("*Hoogendoorn*"). Applicants respectfully traverse the rejection.

Independent claim 34, as amended, recites a method for controlling copying of data, the method comprising, for example, "comparing a copy restriction level indicated by . . . the input data with a predetermined copy restriction level instructed via an operation panel."

*Warren* discloses: "[t]he number of generations of SCT data which is detected by the SCT detector 425 is compared with a Valid Copy Threshold (VCT). The VCT . . . can be factory set into the player/recorder 150[] or embedded in the SMT data." *Warren*, col. 10, lines 62-66. However, *Warren* does not disclose or suggest that the VCT is "instructed via an operation panel," as recited in claim 34.

*Warren* further discloses, "comparing this generation number[, i.e., Standard Copy Tag (SCT),] with a permitted threshold value, which may be provided by the SMT data." *Id.*, col. 5, line 66 to col. 6, line 1. However, *Warren* does not disclose or suggest that the permitted threshold value or the SMT data is "instructed via an operation panel," as recited in claim 34. Therefore, *Warren* fails to teach or suggest "comparing a copy

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

restriction level indicated by . . . the input data with a predetermined copy restriction level instructed via an operation panel,” as recited in claim 34.

Furthermore, regardless of whether the Examiner’s characterization of *Hoogendoorn* in the Office Action is correct, *Hoodendoorn* fails to cure at least the above-discussed deficiencies of *Warren*. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 34.

In addition, independent claim 42, as amended, recites a recording apparatus comprising, for example, “a comparing device which compares a copy restriction level indicated by . . . the input data with a predetermined copy restriction level instructed via the operation panel.” Thus, *Warren* and *Hoogendoorn* fail to establish a *prima facie* case of obviousness with respect to claim 42 for at least reasons similar to those given for claim 34. Dependent claims 30-32, 35, 38-40, and 43 are allowable at least due to their respective dependence from allowable base claim 34 or 42. The rejection of claims 29, 36, 37, and 44 has been rendered moot by the cancellation of those claims. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 30-32, 34, 35, 38-40, 42, and 43 under 35 U.S.C. § 103(a).

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 11, 2008

By:

A handwritten signature in black ink, appearing to read "Michael R. Kelly", is written over a horizontal line.

Michael R. Kelly  
Reg. No. 33,921